

MINIMUM LICENSING  
REQUIREMENTS FOR

DAY CARE

FAMILY HOM-ES

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# **Minimum Licensing Requirements for Day Care Family Homes**

## **Foreword**

### **LICENSING AUTHORITY**

"The Child Care Facility Licensing Act", Act 434 of 1969, as amended, is the legal authority under which the Division of Child Care and Early Childhood Education prescribes minimum standards for a variety of child care facilities under the Act.

### **Department Responsibility**

The Division of Child Care and Early Childhood Education (referred to hereafter as The Division) under the Department of Human Services is directly responsible for the inspection and evaluation of all Day Care Family Homes as defined in Section 10 1 of the Minimum Licensing Requirements for Day Care Family Homes.

The Division has the power to establish rules, regulations, and standards for licensing and operation of child care facilities. This includes all powers with respect to granting, revocation, denial, and suspension of licenses. Decisions regarding special situations shall be made on an individual basis by the Division. Information regarding an appeal process is available upon request.

The owner should be aware of applicable federal laws which may affect the operation of the facility. Child care programs are among the public accommodations that must comply with the Americans with Disabilities Act. (ADA).

Under federal civil right laws, a facility may not discriminate on the basis of race, color, sex, religion, national origin, physical or mental handicap, or veteran status.

The Child Care Licensing Unit will notify the applicable federal agency at any time they become aware of or are advised of violations of the federal Civil Rights Act or the Americans with Disabilities Act.

**Laws relevant to the operation of child care facilities are available upon request.**

### **Application of Requirements**

In determining a recommendation for licensing the facility shall be reviewed by a Child Care Licensing Specialist to determine that the facility is in substantial compliance with the requirements.

Substantial Compliance means compliance with all essential standards necessary to protect the health, safety and welfare of the children attending the day care family home. Essential standards include but are not limited to those relating to issues involving fire, health, safety, nutrition, discipline, staff/child ratio and space.

## **LICENSING PROCEDURE**

1. Any applicant applying for a Day Care Family Home license may contact the local Division Office or Child Care Licensing Specialist to obtain information and/or the necessary application and related forms.
2. Upon receipt of a signed application the Child Care Licensing Specialist shall schedule an appointment to inspect, evaluate, and make a recommendation for consideration of license to the Division.
3. The Child Care Licensing Specialist shall make both scheduled and unscheduled visits throughout the year to determine continued compliance of standards and to offer consultation and technical assistance.
4. The license as issued shall apply only to the home's location at the time of licensing. The licensee shall notify the Child Care Licensing Specialist's office of a change of location or ownership at which time a new study shall be conducted. Upon issuance of a license, the license shall remain in effect as long as compliance is maintained with the Minimum Licensing Requirements for Day Care Family Homes.
5. If the Division Staff (CCLS) finds that an applicant for a child care facility meets the licensing requirements for a day care family home or has a reasonable expectation of correcting deficiencies in a reasonable time, the Child Care Licensing Specialist may recommend a provisional license for operation of a child care facility to the Division with such provisional license to be in effect for a reasonable time, not to exceed twelve months, which time shall be specified in the provisional license. A written list of deficiencies shall be provided the applicant at the time of issuance of a provisional license. A Licensing Specialist has 60 days to submit a recommendation to the Division for a provisional license.
6. Upon final determination by the Division of a suspension of a license, the Division shall specify in the suspension order the period of the suspension. The suspension of a license may range from one month but not exceed twelve months. At the completion of the suspension period the license may be reinstated if the Division finds that the terms of the suspension order have been met.

7. At the time of a final determination by the Division of revocation of a license, the Division shall specify in the revocation order the period and terms of the revocation. A revocation of a license shall be set for no less than one year or a longer term of revocation as established by the Division. The revocation of a license places that license in a null and void status. At the completion of the terms of revocation, facilities wishing to be re-licensed must submit a new application for licensure for review and approval by the Division prior to the facility beginning operation.

## **ALTERNATIVE COMPLIANCE**

1. The Division may grant alternative compliance with the Minimum Standards Required for Licensing of Day Care Family Homes if the Division determines that the alternative form of compliance offers equal protection of health, safety and welfare to children and meets the basic intent of the requirement for which the alternative compliance is sought.
2. The Division shall consider all requests for alternative compliance with the Licensing Requirements except those requirements which are enforced by the Department of Health, Local Fire Marshal or State Fire Marshal's Office.
3. To request alternative compliance, the following procedure shall be initiated by the person responsible for the operation of the facility:
  - a. The applicant/licensee shall submit the request for alternative compliance in writing.
  - b. The request shall include:
    - The specific standard for which alternative compliance is sought.
    - An explanation of how the alternative form of compliance is equal to or exceeds the stated requirement.
    - Full justification and description of what the alternative compliance method will be and the method by which the facility will carry out this plan to be able to continue to provide for the health, safety, and welfare of children as intended by the requirement.
    - The applicant/licensee shall provide clear and supportive evidence, and upon request of the Division, an expert's opinion of the effect of the health, safety and welfare of children and how it will protect through the alternative means of compliance.
4. A separate written request shall be submitted for each requirement for which alternative compliance is sought.

The approved alternative compliance is effective for the duration of the license unless a shorter time frame is requested or approved.

5. The granting of alternative compliance for a requirement shall in no way constitute a precedent. If an alternative means of complying with the requirement is granted by Division and the facility fails to implement satisfactorily this alternate means, the original requirement for which alternative compliance was sought shall become immediately enforceable.
6. The Division shall have the right to obtain an expert opinion to corroborate that provided by the applicant/licensee.
7. The Division reserves the right to deny requests for alternative compliance when it finds that such request does not adequately protect the health, safety and welfare of children and does not meet the intent of the requirements.
8. All requests for alternative compliance shall be answered in writing by the Division.

## **LICENSE FEE**

1. A Day Care Family Home shall be assessed a license fee of \$15.00 per year.
2. Upon review and determination by the Child Care Licensing Specialist of a licensing recommendation to be presented to the Division, the Child Care Licensing Specialist shall issue a Notice of License Fee Due to the facility.
3. The Division shall not issue a license unless the required license fee has been paid.
4. Verification of receipt of license fee shall be presented to the Division at the time of licensure recommendation.
5. Refunds of license fees paid are made only when the Division does not approve issuance of a license. There shall be no refunds of license fees paid upon Division action to revoke or suspend a license or for closure of a facility.

## **100 DEFINITION AND APPLICATION**

### **101 Definition**

1. A Day Care Family Home is defined as a situation in which children are cared for in a caregiver's own family residence or in some other suitable family type residence. There shall be no more than one license issued per home/structure.

A Day Care Family Home requires licensing when one (1) or more persons care for 6 or more children, from more than one (1) family at the same time. A maximum of 16 children may be cared for with a DCFH license.

The holder of the license shall be the primary caregiver and shall not be otherwise employed during the time he/she is responsible for children in the home.

The caregivers own preschool children shall be considered when determining the need for a license. The provider's own school age children are not considered when determining the need for a license.

A Day Care Family Home which is not required to be licensed by this definition, may voluntarily choose to apply for a Day Care Family Home license.

### **102 Application**

The primary caregiver in the Day Care Family Home shall submit the following to complete the application process:

1. A completed and signed application on a form provided by the Division, including a diagram of the home.
2. Fire and health approval (where applicable).
3. Verification of all required criminal background checks and Central Registry checks being initiated.
4. All caregiver's names shall be included on the application for the license.

### **103 APPEAL OF LICENSING ACTIONS**

A licensee or applicant for license may request an appeal of any of the following licensing actions;

- Adverse licensing actions (revocation or suspension of a license, conversion to a provisional license or denial of an application for license)
- Founded licensing complaints
- Denials of alternative compliance requests
- Cited noncompliance with the published standards

An appeal may be initiated on any of the above actions by requesting an appeal in writing to the Licensing Specialist or Licensing Supervisory Staff. Requests to appeal adverse licensing actions must be mailed within ten (10) calendar days of the receipt of the notice of the adverse action. Requests to appeal licensing actions, other than adverse, must be mailed within twenty (20) calendar days from receipt of the notification of the action. The request to appeal shall include a statement of the action(s) taken by the Division and the reason(s) the licensee or

applicant for license disagrees with that action. The request to appeal will be reviewed by the Licensing Supervisor and the Licensing Administrator. If the appeal is not resolved to the satisfaction of the licensee or applicant for license, the matter will be referred to the Child Care Appeal Review Panel for hearing. **(Additional information regarding the appeal procedures and the Child Care Appeal Review Panel is available on request.)**

## **104 Licensing Investigations**

Child Care Licensing staff shall have access to Day Care Family Homes for the purpose of conducting inspections, reviews, and complaint investigations. Denial of access to the home or to children may result in adverse action against the license.

## **105 Child Maltreatment Record Checks**

1. The following persons shall be required to have their background reviewed through an Arkansas Child Maltreatment Central Registry Check:
  - a. Each applicant to own or operate a day care family home At application and every two years thereafter
  - b. All household members who are at least 18 years of age At application, upon residency, and every two years thereafter
  - c. Employees and applicants for employment in a day care family home At application or within 10 days of hire and every two years thereafter
  - d. All volunteers who have access to children in the home At application and every two years thereafter
2. The Division has the authority to review and consider each true (founded) report of child maltreatment received from the Central Registry. The Division shall retain the authority to:
  - a. Deny an applicant;
  - b. Require corrective action; or
  - c. Take appropriate adverse action against the license.
3. All caregiver(s) are mandated reporters under the Child Abuse law. The caregiver(s) shall notify the Child Maltreatment Hot Line number at 1-800-482-5964 when there is a reason to believe that a child has been abused or neglected. (AR Code Annotated 12-12 501 et seq.)
4. In the event of a complaint of child maltreatment filed against any employee or persons in

the home, the Child Care Licensing Unit shall evaluate the risk to children and determine the suitability of the persons to super-vise, or be left alone, with children until the allegations have been determined true or unsubstantiated.

The day care family home operator, any employees or other persons in the day care family home who have had a true report of child maltreatment shall follow the corrective action plan approved by the Child Care Licensing Unit. Corrective action measures may vary from relevant training to reassignment or termination. Failure to comply with corrective action plans can constitute grounds for adverse action against the license.

## **106 Criminal Record Checks**

1. The following persons shall be required to have their background reviewed through Criminal Records check conducted by the Arkansas State Police:
  - a. Each applicant to own or operate a day care family home at application and every 5 years thereafter
  - b. All household members who are 18 years of age or older at application every 5 years thereafter upon residency and
  - c. Employees and applicants for employment in a day care family home within 10 days of hire and every 5 years thereafter
  - d. Volunteers who have supervisory/disciplinary control over children. within 10 days and every 5 years thereafter
2. The following persons shall apply to the Identification Bureau of the Arkansas State Police for a nationwide criminal records check, to be conducted by the FBI, which shall include a fingerprint check. The individual is responsible for the cost of the nationwide check.
  - a. Each applicant to own or operate a day care family home initial application only
  - b. Each employee who has not been a resident of the State of Arkansas for the six preceding years. within 10 days of hire
  - c. Volunteers who have supervisory or disciplinary control over children, or are left alone with children if the person has not been a resident of Arkansas for 6 years
3. No person shall be eligible to be a child care facility owner, operator, or employee if that person has pleaded guilty, or been found guilty, of any of the following offenses:

1. Capital murder;
2. 1 st/2nd degree murder;
3. Manslaughter;
4. 1 st/2nd degree battery;
5. Aggravated assault;
6. 1 st degree terroristic threatening;
7. Kidnapping;
8. 1 st degree false imprisonment;
9. Permanent detention or restraint;
10. 1 st/2nd degree rape or carnal abuse;
11. 1 st/2nd degree sexual abuse;
12. 1 st/2nd degree violation of a minor;
13. Incest;
14. 1 st degree endangering of a minor;
15. Permitting child abuse;
16. Engaging children in sexually explicit conduct for use in a visual or print medium, transportation of minors for prohibited sexual conduct, use of a child or consent to use a child in sexual performance, by producing, directing or promoting sexual performance by a child;
17. Criminal attempt, criminal solicitation or criminal conspiracy to commit any of the above named offenses.
18. Distribution to minors [ of any controlled substance
19. Manufacture, delivery, or possession with intent to deliver, or manufacture any controlled substance; and
20. Carnal abuse in the third degree
21. Sexual solicitation of a child
22. Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child
23. Negligent homicide
24. Assault in the first degree
25. Coercion
26. Sexual misconduct
27. Public sexual indecency
28. Indecent exposure
29. Endangering the welfare of a minor in the second degree
30. Any felony or misdemeanor involving violence or sexual misconduct

4. Any person who has pled guilty, nolo contendere, or who has been found guilty of any one of the offenses listed above may apply to the Division to demonstrate rehabilitation, if more than five (5) years have passed since the person was released from confinement or parole. The Division is authorized to determine whether rehabilitation is sufficient for the person to be a child care owner, operator, or employee.

## **200 ADMINISTRATION**

1. All employee, children and facility records shall be kept and made available to the Child Care Licensing Unit on request.
2. All applicable health and fire regulations shall be met (see Section 302.2).
3. The day care family home shall not exceed its licensed capacity at any time (see Section 302.2).
4. The caregiver shall provide prudent supervision of all staff and other persons in the Day Care Family Home, and is responsible for the health, welfare, and safety of the children in care.

## **300 PERSONNEL**

### **301 Caregiver Qualifications and Responsibilities**

1. The family home primary caregiver shall be twenty-one (21) years or older. A secondary caregiver shall be age eighteen (18) years or older.
2. All caregivers who are left alone with children shall be able to read and write well enough to keep required records.
3. The primary caregiver shall not be otherwise employed during the time he/she is responsible for children in the home. Employment at other times shall not affect the quality of care given the children.
4. A caregiver shall not use profanity or speak in an abusive manner when children are present. The caregiver shall also cooperate with licensing staff during licensing monitor visits.
5. The caregiver shall have a person who would be able to care for the children in the event of an emergency.
6. All caregivers who work directly with children shall obtain at least 10 hours of in-service training or outside workshop training each year in continuing early childhood education which is approved by the Division (Act 584 of 1993).
7. At least one caregiver in the day care family home who is trained in infant and child cardiopulmonary resuscitation (CPR) shall be present within the confines of the home while children are in care.
8. All caregivers shall provide a tuberculin test annually. All caregivers shall be physically and emotionally able to care for children.

9. Child Care Licensing may require a physician's statement for any caregiver anytime behavioral or physical indicators warrant.
10. All caregivers shall not consume or be under the influence of alcohol, illegal drugs, or other drugs that impair , ability to care for children while children are in care.

### **302 Caregiver to Child Ratio by Age**

<i>Adult Caregiver(s)</i>	<i>Number of Children</i>	<i>Ages of Children</i>
One	3-6	0-up (no more than 3 under 2 years)
	7	0-up (no more than 2 under 2 years)
	8	0-up (no more than 1 under 2 years)
	9	2-up (no more than 3 between 2 & 3 years)
	10	3 -up
Two	3-6	0-up
	7	0-up (no more than 4 under 2 years)
	8	0-up (no more than 4 under 2 years)
	9	0-up (no more than 4 under 2 years)
	10-14	0-up (no more than 4 under 2 years)
	15-16	0-up (no more than 2 under 2 years)
Three	7	0-up (no more than 5 under 2 years)
	8	0-up (no more than 5 under 2 years)
	9	0-up (no more than 5 under 2 years)
	10-14	0-up (no more than 5 under 2 years)
	15-16	0-up (no more than 4 under 2 years)

FIRE INSPECTION IS MANDATORY FOR HOMES LICENSED FOR ELEVEN (11) OR MORE CHILDREN. (SECTION 110 1. 1) HEALTH INSPECTION (FOOD SERVICE) IS MANDATORY FOR HOMES LICENSED FOR ELEVEN (11) OR MORE CHILDREN. (SECTION 701.1)

1. At no time shall children be left unsupervised.
2. The primary caregiver's own preschool children shall be included in the caregiver/child ratio. The primary caregiver's own school age children are not considered in the ratio.
3. A Day Care Family Home may care for two (2) school age children for a short time not to exceed a total of three (3) hours per day before and/or after a school day who shall not be counted in the caregiver to child ratio. School age children who are in care at times other than before and/or after a school day shall be included in the caregiver to child ratio. These same two children may stay all day in care and not be counted in the ratio due to emergency school closings, such as inclement weather. The home's capacity shall not be exceeded other than the above stated exceptions. If the attendance exceeds 10, fire approval is required.
4. Additional staff provisions shall be made for enrollment of children with disabilities who require individual attention.

### **302.10 Infants**

1. Homes specializing in infant care shall maintain a 1:3 ratio.
2. Homes specializing in infant care shall have a Fire Department inspection and approval.

### **303 Adults in the Day Care Family Home**

1. The caregiver(s) shall provide a clear statement regarding the presence of any other adults 18 years of age and above who remain in the home during any hours in which care is being given. Such persons shall not present a threat to the safety or welfare of children.
2. A Day Care Family Home shall have additional staff when there are persons in the home who require constant or routine care.
3. Any adult(s) in addition to the caregiver(s) present in the Day Care Family Home on a regular basis while children are in care shall provide an annual tuberculin test verifying that the adult is free from TB.

**400     PROGRAM AND ACTIVITIES**

**401     Program**

- 1.     There shall be a daily schedule, which includes age-appropriate activities.
- 2.     There shall be an opportunity for a supervised rest period, which shall not be scheduled to exceed two (2) hours.
- 3.     There shall be a minimum of I hour per day of outside play unless prevented by weather.
- 4.     Indoor activity equipment shall be adequate for the number and ages of children in the Day Care Family Home to meet their physical and developmental needs.
- 5.     Children shall have a variety of toys, books, and creative materials. This includes equipment for:
  - (a)     Large muscle activities (climbing, running, swinging).
  - (b)     Manipulative activities (things done with the hands).

**401.10 Infants and Toddlers: Additional Program Requirements**

- 1.     Infants shall be carefully supervised at all times.
- 2.     Stimulation shall be given an infant in a variety of ways.
- 3.     Infants shall be taken outside for a period of time every day, unless prevented by weather or special medical reasons.
- 4.     If a child falls asleep while in a walker, swing, high chair, etc., that child shall be placed in appropriate sleep equipment (see Section 901 ).
- 5.     Infants and toddlers shall have clean, safe, washable toys. Toys or materials used by younger children shall not be small enough to be swallowed.

**401.20 School Age Children: Additional Program Requirements**

- 1.     The school age child shall be provided with a choice of indoor and outdoor activities.
- 2.     A quiet time and a private place with appropriate equipment shall be provided for one-person activities, including resting or homework. A supervised rest period as required by 401.2 shall not apply to school-age children.

3. Permission of parents shall be on file for school age children to leave the Home.
  - a. School age children who leave the Day Care Family Home to participate in classes, clubs, or other activities shall have written permission from the parents naming the activity, time of leaving and returning and method of transportation to the activity.
  - b. Permission for regular activities such as scouting may be given for the entire school term.

#### **401.30 Evening and Night Care: Additional Program Requirements**

1. There shall be a plan for evacuating children to safety in case of fire or emergency.
2. Children arriving in the daylight hours shall have outdoor play, weather permitting. Older children shall have time for reading or doing homework during the school year.
3. Evening meals shall be served. The home shall ensure that children spending the night are served breakfast.
4. Drinking water shall be available to children during the night.
5. Bathing facilities shall be available. Hot water shall be available. Children shall not take baths together or share the same bath water. Tubs or showers shall be cleaned after each use. Children shall be given fresh washcloths and towels. Preschool children shall never be left alone when bathing. Privacy shall be ensured for school age children.
6. Children in night care shall be given a bed or cot with mattress or pad and a pillow.
  - (a) If linens become soiled, they shall be changed. Protective mattress covers shall be used and washed at least weekly.
  - (b) Each child's bed or cot shall have a cover available.
  - (c) Beds or cots shall be arranged at least one foot apart.

### **500 DISCIPLINE AND GUIDANCE**

#### **501 Discipline**

1. Use of positive discipline and guidance shall show that the caregiver understands each child's needs and shall promote self-discipline and good behavior.
2. Appropriate discipline techniques include:

- a. Look for appropriate behavior and reinforce the children with praise and encouragement when they are behaving well.
  - b. Remind the children on a daily basis of the rules by using clear positive statements Of how they are expected to behave rather than what they are not supposed to do.
  - c. Attempt to ignore minor inappropriate behaviors and concentrate on what the child is doing properly.
  - d. Use brief supervised separation from the group only when the child does not respond to a verbal command, which instructs the child as to how he or she is supposed to behave.
  - e. When a misbehaving child begins to behave appropriately, encourage and praise small positive steps rather than waiting until the child has behaved for a long period of time.
  - f. Attend to the children who are behaving appropriately and other children will follow their example in order to obtain your attention.
  - g. When the entire group is behaving well, reward them with an activity they enjoy.
3. Physical punishment shall not be administered to children.
  4. The length of time a child is placed in time-out shall not exceed one minute per year of child's age.
  5. The following activities are inappropriate as disciplinary measures and shall not be used for children; these include but are not limited to:
    - a. shaming, humiliating, frightening, physically or mentally harming children
    - b. labeling children negatively
    - c. associating discipline with food, rest, toilet training or illness
    - d. restraints
    - e. harsh treatment
    - f. washing mouth with soap
    - g. taping or obstructing child's mouth
    - h. placing unpleasant or painful tasting substances in mouth, on lips, etc.
    - i. verbal abuse/abusive language
    - j. isolation without supervision
    - k. placing child in dark areas
    - l. inflicting physical pain, i.e., hitting, slapping, pinching, pulling hair, kicking, twisting arm, biting or biting back, spitting, swatting, etc.
    - m. forced physical activity such as running laps, doing push-ups, etc.

## **500.10 Infant and Toddler**

Time out shall not be used with children under the age of two (2). The only acceptable form of discipline with infants and toddlers shall be redirection.

## **600 RECORDS**

### **601 Children's Records**

Enrollment information shall be obtained for each child before admission.

#### **A. Identifying and Personal Data:**

1. Child's name, birth date, home address, and telephone number.
2. Name and addresses of the parents and telephone numbers where the parents can be reached while the child is in care.
3. Date of enrollment in facility.
4. Name, address and phone number of person to be contacted if parents cannot be reached.
5. The caregiver shall provide a written discipline policy to parents, with a copy signed by the parents and retained by the caregiver.

#### **B. Medical Records**

The following information shall be maintained on each child in day care:

1. The name addresses and telephone number of the child's physician or emergency medical care facility.
2. Pertinent past medical history on the child and any change in health
3. Child's unusual food needs such as special formulas, diabetic diet, or food allergies.
4. Notes of special problems (such as allergies to medication or sunburn sensitivity) or needs as indicated by the parents.
5. An authorized record of up-to-date immunizations or documentation of a religious or medical exemption from the Arkansas Department of Health. The caregiver shall maintain a roster of children who have not completed the minimum immunization requirements (a current immunization schedule is provided as an insert in this publication).

6. Written record of accidents/injuries.

### **C. Permissions and Agreements**

The following permissions and agreements will be signed by the parents and caregiver(s):

1. Consent for emergency medical care and transportation for such care which shall accompany children who are transported to and from the home.
2. Other transportation permission, if any, including routine and special field trips.
3. Permission to participate in water activities, if any.
4. Signed statement by the parent stating who is authorized to pick up the child.

### **602 Caregiver Records**

1. Caregiver records shall contain the following:
  - a. An employee application for secondary caregivers, including name, date of birth, address and telephone number;
  - b. TB skin test;
  - c. Documentation of training for continuing education;
  - d. Documentation of the initiation of all required background checks and results obtained.

### **603 Facility Records**

1. Fire Department approval, if applicable;
2. Arkansas State Department of Health approval, if applicable;
3. Record of routine emergency drills, including date, time of day, length of drill and number of children participating;
4. Pet vaccinations.

## **700 FOOD SERVICE AND NUTRITION**

### **701 Food Service**

1. A Day Care Family Home licensed for eleven (11) or more children shall provide a current verification of approval by the Arkansas Department of Health, Sanitation Services as a food service establishment.
2. A Day Care Family Home licensed for ten (10) or fewer children shall meet the following:

- a. All food shall be safe and stored properly to prevent spoiling.
  - b. Shall have refrigerator with thermometers visible and shall be maintained at 40 degrees or below. Freezer thermometer shall be maintained at 0 degrees or below.
  - c. Food shall not be stored under sinks.
  - d. Food shall be stored in original container or in a closed container.
  - e. Chemicals and toxins shall not be stored in food storage area.
  - f. All medicines shall be stored separately from food at all times.
3. All food and drink shall be prepared, distributed and served under sanitary conditions.
- a. Caregivers shall wash hands before preparing food.
  - b. There shall be a two-compartment. sink with hot and cold running water.
  - c. Individual drinking glasses or disposable cups shall be provided.
  - d. All surfaces shall be kept sanitary.
  - e. Food left uncovered or handled shall not be reused.
  - f. When dishes are washed by hand, they shall be sanitized with a bleach solution.
  - g. Drinking water and water used for the preparation of formula shall not come from the hot water supply.

## **702 Nutrition**

- 1. If breakfast is served, it shall be healthy and nutritious. The lunch and evening meals shall each include 1/3 of the minimum daily requirements from each of the four basic food groups. If sack lunches are utilized, the home shall ensure that these also meet 1/3 of the minimum daily nutrition requirements by supplementing the lunches if necessary. Milk shall be served to each child during the day. Exceptions may be made for children who suffer allergies to milk.
- 2. Breakfast shall be made available to children who arrive before 7:00 a.m. Breakfast may be served to all children rather than a morning snack provided there is no more than 3 hours between breakfast and lunch.

3. Nutritious midmorning and mid-afternoon snacks shall be provided to all children present.
4. All children in care during evening hours shall be offered an evening snack. Children in care during evening hours shall be served supper and children spending the night shall be served breakfast.
5. Children shall not be forced to eat.

#### **702.10 Infant and Toddlers**

1. The use of baby food, bottles and formula shall be agreed upon by the caregiver and parent.
2. Children shall not share the same bottle. A sanitary method of cleaning baby bottles shall be practiced. Baby bottles shall be properly refrigerated.
3. Infant feeding schedules shall be flexible and adapted to each infant's needs.
4. The solid foods fed to an infant shall be determined by the child's parent (s).
5. Infants under six months of age shall be held while being fed. Bottles shall not be propped. Infants six months of age or older shall be held if needed.
6. Infants no longer held for feeding shall either sit in low chairs at low tables or in infant seats with trays, or in high chairs with wide bases and safety straps shall be used.

#### **800 GROUNDS**

To provide the safest possible playground environment, you are encouraged to Meet Consumer Product Safety Commission's guidelines listed in their "Handbook for Public Playground Safety". However, the following are minimum requirements and shall be met.

#### **801 Layout and Design**

1. The play area shall be enclosed and provide at least 75 square feet per child present on the playground at any time.
2. There shall be an outside exit from the play area.
3. The area shall be well drained.
4. There shall be equipment and activities appropriate for the ages and number of children using the playground.
5. Children shall be supervised by an adult caregiver when outdoors.

## **802 General Hazards**

1. The area shall be free of hazards or potentially hazardous objects.
2. Equipment which is designed to be anchored shall be properly anchored so that the anchoring devices are below ground level.
3. Sand for playing shall be kept safe and clean.
4. Paint on equipment shall be lead free.
5. All fasteners, including S-hooks, shall be securely tightened or closed.
6. There shall be no sharp points, corners, edges, or splinters.
7. The only trampolines allowed shall be mini-tramps used under direct supervision
8. To prevent entrapment, there shall be no opening(s) between any interior opposing surfaces between 3.5 and 9 inches. Ground bounded openings are exempt.
9. Balance beams higher than 12 inches shall have fall zones.

## **803 Slides**

1. Slides shall not have any spaces or gaps between the platforms and the slide surface.

## **804 Swings**

1. The following swings shall not be used for any ages.
  - a. Multi-occupancy swings designed to hold more than one child, except tire swings.
  - b. Animal figure swings
  - c. Free swinging ropes (Tarzan ropes).
  - d. Swinging exercise rings
  - e. Trapeze bars.
2. There shall be no wood or metal swing seats.
3. Toddler swings shall provide support on all sides if seat is above 12" from the ground.

## **805 Climbing Equipment**

1. Free standing arch climbers exceeding 4 feet in height shall not be used for preschoolers.
2. Flexible grid climbing devices, such as rope or chain ladders, climbing ropes, etc., shall be securely anchored at both ends.
3. Preschoolers shall not use sliding poles.
4. Sliding poles shall have no protruding welds or seams along the sliding surface, and the pole shall not change directions.

## **806 Merry-Go-Rounds**

1. The only merry-go-rounds allowed are portable merry-go-rounds not designed to be anchored and they shall have handgrips or other secure means of holding on.

## **807 Seesaws**

1. Seesaws without spring centering devices shall have shock absorbing materials, such as partial tires embedded in the ground underneath the seats or secured to the underside of the seats.
2. Hand holds shall be provided for both hands at each seating position and shall not turn when grasped.

## **808 Fall Zones/Surfacing**

1. Effective date for existing equipment to comply with required fall zones and fall surfaces is I/1/2001. Any new equipment shall comply immediately.
2. Absorbent material such as sand, pea gravel, wood chips, wood mulch, shredded tires, etc. shall be used in fall zone areas under and around playground equipment which require a fall zone.
3. Hard surface materials such as asphalt and concrete shall not be used as base surfaces in the fall zones except under commercial matting designed to be installed over hard surfaces.
4. There shall be fall zones and surfacing under and around equipment that is over 24" in height at the highest accessible point (all swings, regardless of height, shall comply). Fall zones shall extend a minimum of 6' in all directions (unless otherwise specified) from the perimeter of the equipment. Exceptions may be granted for structures that have protective barriers in place:
  - \* Structures under 5' shall have a minimum surfacing material depth of 9" (shredded tires shall have a minimum of 6" depth).
  - \* Structures 5' and taller shall have a minimum surfacing material depth of 12"
  - \* Gravel used for fall zones shall not be over 1/2 inch in diameter.
5. SLIDES: The fall zone for slides measuring 6 feet or over, measured at the platform, shall extend 10 feet from the exit end of the slide.
6. SWINGS: The fall zone for single-axis swings shall extend to the front and the rear of the swing a minimum distance of two times the height of the pivot point above the playing surface. Fall zones shall also extend six feet to the sides of the swing set.
7. SWINGS: The fall zones for multi-axis swings shall extend in all directions a minimum of six feet plus the height of the suspending rod or chain.
8. Fall zones shall be free of obstacles onto which children may fall.

## **900 SLEEPING AND TOILETING ARRANGEMENTS**

### **901 Sleeping Arrangements**

1. Each child under twelve (12) months of age shall have a separate well-constructed baby bed or play pen with a waterproof mattress or pad which shall be clean, dry, and in good condition. Sheets and covers are required and shall be kept clean and dry.
2. The following guidelines shall also be required for cribs:
  - a. Cribs that have end panels with decorative cutout areas shall not be used.
  - b. Mattresses shall fit snugly in the crib. The space between crib and mattress shall measure no more than 1 inch.
  - c. Corner posts shall be the same height as end panels.
  - d. End panels shall extend below mattress at the lowest position of the mattress.
  - e. Baby beds shall have slats no greater than 2 3/8" apart.
3. Each child twelve (12) months of age or older shall have a cot, bed, pallet, or mat which shall be placed at least one foot apart. Sheets and covers are required. Bedding shall be of washable material and shall be kept clean. If mats or pallets are used on floors, floors shall be clean, warm, dry and draft free. Any mat or pallet less than two (2) inches thick shall be placed on carpet.
4. Doors in rooms where children are sleeping shall remain open.

### **902 Toileting Arrangements**

1. At least one commode and one wash basin shall be made available for the children's use. Potty seats may be used by the younger children if emptied, cleaned and disinfected after each use. Potty seats shall be located in the bathroom only.
2. Individual cloth towels or paper towels shall be available for each child.
3. Caregiver's and children's hands shall be washed with liquid soap before meals, after toileting, after each diaper change, and as needed.
4. The day care family home shall use a diaper changing surface that is sanitized after each use.

### **903 Toilet Learning**

1. The following methods shall not be used in toilet learning:
  - a. Placing the child on toilet or potty chair for prolonged time periods;

- b. Using harsh language;
- c. Punishing or berating in any way for soiling clothing;
- d. Using physical force to place child on a toilet or potty chair against their will; or
- e. Leaving child unsupervised on toilet.

## **1000 HEALTH**

### **1001 General**

1. The Day Care Family Home shall have an adequate supply of water that meets the standards for drinking water of the Arkansas Health Department. Water shall always be available to the children.
2. Garbage shall be kept in a closed container out of children's reach.
3. All garbage, soiled diapers and trash shall be removed from the home daily and from the grounds at least once a week.
4. The home shall be free of insects and rodents.
5. Waste and sewage disposal and toilet facilities shall be safe and sanitary. The Health Department may be consulted for its recommendation.
6. Smoking should be limited to hours when children are not in care. The day care family home shall disclose to parents whether smoking occurs in areas where children are in care.
7. First-aid materials are required and shall be kept out of reach of children. A first aid kit containing medications shall be locked. The first-aid materials shall include:
  - a. Adhesive band-aids (various sizes);
  - b. Scissors;
  - c. Sterile gauze squares,;
  - d. Roll of gauze bandages
  - e. Adhesive tape;
  - f. Antiseptic;
  - g. Thermometer;
8. There shall be no adult in the home who poses a health risk to children in care.

## **1002 Children's Health**

1. No child shall be admitted who has a contagious or infectious disease. Parents and guardians shall be notified to pick up the child if the child exhibits any of the symptoms listed below:
  - a. Fever: A body temperature of 101;
  - b. Diarrhea: three (3) or more watery stools in a 24-hour period;
  - c. Vomiting: Vomiting on two or more occasions within the past 24-hour period;
  - d. Rash: Body rashes, not obviously associate with diapering, heat or allergic reactions to medications; or
  - e. Sore Throat: if associated with fever or swollen glands in the neck.
2. Illness in the Day Care Family Home shall be handled to protect all children in care.
3. In case of critical illness or injury, and if the parents cannot be reached, the physician named by the parent shall be called. If necessary, the child shall be taken to the nearest emergency room. Injuries that require the attention of medical personnel shall be reported to the parent immediately.
4. In case of critical illness or serious injury the Child Care Licensing Specialist shall be notified within 48 hours.
5. The caregiver shall notify the child's parents of significant events that affect the children.
  - a. Cases of serious contagious disease shall be reported to the parents of all the children in care.
  - b. Any injury incurred by a child.
6. The communicable diseases listed in Appendix B shall be reported within 24 hours, whether suspected in a child or adult, either to the local County Health Unit or the toll free Reporting System (800-482-8888):
7. Within 15 days of enrollment of a child, the Day Care Family Home shall verify that the child has been immunized as required by Arkansas Department of Health or the child cannot remain in care. (Arkansas Code 20-78-206 as amended by Act 870 of 1997—a current immunization schedule is provided as an insert in this publication).

## **1003 Medications**

1. Prescription medicine shall be in the original container and labeled with the child's name, a recent date, instructions, and the physician's name.
2. All non-prescription medicine (except aspirin or aspirin substitutes) shall be labeled with the child's name and dated.

3. All medicines shall be given a child only with the written permission of the child's parent(s) or guardian.
4. Medicines shall be kept in a locked area. Medicine shall be kept out of the reach of the children when dispensing.
5. Medication shall be disposed of when a child withdraws from care or when the medication is out of date.

#### **1004 Phone Numbers Required:**

The following numbers shall be available in the immediate area of the telephone.

1. Ambulance service or emergency medical services.
2. Police or sheriffs department.
3. Fire department.
4. Poison Control Center - 1-800-376-4766.
5. Child Abuse Hotline Number - 1-800-482-5964.
6. The physicians named by the parents.
7. The Child Care Licensing Unit Central Office number: (501) 682-8590 or toll free 1-800-445-3316
8. Home and business numbers of the parents.

#### **1005 Pets**

Pets with which children have contact shall receive vaccinations as required by law. Verification of vaccinations administered by a licensed veterinarian shall be maintained. Any pet that constitutes a threat to the welfare and safety of the children shall be kept in a confined area which prevents any contact with the children.

### **1100 FIRE AND SAFETY**

#### **1101 Safety**

1. Electrical outlets shall be guarded. Protective caps, if used, shall be large enough to prevent swallowing.

2. Indoor or outdoor cooling or heating units shall have guards or barriers when necessary. All outdoor electrical boxes, gas lines, and exposed electrical cords shall be enclosed.
3. Stairways shall be well lighted and guarded as needed.
4. Dangerous equipment and/or objects shall be stored away from areas used by the children.
5. All detergents and cleaning supplies shall be kept out of the reach of children.
6. All poisonous substances shall be kept in a locked area.
7. Guns shall be unloaded. Guns, other weapons, and ammunition shall be stored in a locked area in the home.
8. Tanks, ponds, swimming pools, open wells, drainage ditches and sewage drain pipes shall be fenced if located within the play area.
9. For any Day Care Family Home seeking approval for a swimming pool, a request for such shall be presented to and approved by the Division prior to use by children.
10. Wading pools shall not be used by children under two years of age.
11. Alcoholic beverages shall be kept out of reach of children.

## **1102 Fire**

1. A Day Care Family Home caring for eleven (11) or more children at any time (this does include school age children not counted in the ratio) shall provide verification of an approved annual Fire Department inspection.
2. The caregiver shall have a written policy and procedure for fire and tornado drills. All caregivers shall know all emergency plans. Any specific information on area hazards and approved safety procedures, (e.g., Earthquake drills, Nuclear Plant accident evacuation, Toxic Chemical Spill evacuation, etc ... ) should be obtained from the State Office of Emergency Services.
3. One fire drill AND one tornado drill shall be conducted on a monthly basis and documented, noting the date, time of day, number of children, and length of time taken to reach safety.
4. A Fire extinguisher with a minimum of 5-lb. ABC rating shall be installed in the kitchen area of the home and shall be properly maintained. Caregivers shall know how to operate the extinguisher.

5. A working smoke detector shall be installed near the kitchen area and in children's sleeping areas.
6. The home shall be maintained to be free from fire hazards at all times. The Child Care Licensing Specialist shall consult with the local Fire Department OR the State Fire Marshal when it appears hazards exist.
7. The structure and use of the home shall permit easy entry and exit.
  - a. A Day Care Family Home with more than one level shall have second exits on all levels used by children.
  - b. A Day Care Family Home shall have at least two exits to the outside located on different sides of the home.
  - c. Doors opening to the outdoors shall be constructed so the children can open them easily from the inside.
  - d. Doors between rooms in the exit route shall not be locked while children are in the home.
  - e. Doors and pathways shall be clear of equipment that blocks the movement of children and caregiver(s).
8. Wood-burning stoves, or gas logs, fireplaces, open flame space heaters, hot water heaters, floor furnaces or other sources of heat shall be guarded and/or vented when necessary for the protection of the children.
9. Cooking stoves or ovens shall not be used as a heating source in the home.
10. Portable heaters shall not be placed within reach of children and shall be approved UL listed products.
11. The providers shall notify the Child Care Licensing Specialist of any fires causing damage which occur to the home. This shall be by the end of the following working day.

### **1103 Transportation**

1. Any person transporting children shall be at least 18 years of age and have a valid driver's license as required by state law.
2. The vehicle shall be licensed, insured and maintained in proper working condition.
3. Driver may be counted in staff/child ratio, but shall not be the only adult when more than 10 children age 3 and above are transported.

4. Any child transported in a passenger automobile, van or pick-up truck, who is less than 4 years old and weighs less than 40 pounds, shall be restrained in a child passenger safety seat. Any child who is at least 4 years old, or weighs at least 40 pounds, must be restrained by a safety belt or any other approved safety devices. fAct 1274 of 19951.
5. Loading and unloading of children from vehicles shall be conducted in a safe manner.

#### **1103.10 Infants and Toddlers**

1. A vehicle transporting children under the age of 36 months shall maintain a ratio of one adult to 3 children.

## APPENDIX A: Food Serving Size by Age

Pattern	Children age 1 to 3 years	Children age 3 to 6 years	Children age 6 to 12 years	Age 14 and Over
<b>Breakfast:</b>				
Juice or fruit	1/4 cup	1/2 cup	1/2 cup	1 cup
Cereal or bread: cereal	1/4 cup	1/3 cup	3/4 cup	1 cup
Bread	1/2 slice	1/2 slice	1 slice	2 slices
Milk	1/2 cup	3/4 cup	1 cup	1 cup
<b>Lunch/ Supper:</b>				
Meat or Alternate:				
Meat, Poultry, Fish or Cheese,	1 ounce	1.5 ounces	2 ounces	3 ounces
Egg*	Large	Large	Large	Large
Cooked dry beans/peas	1/4 cup	3/8 cup	1/2 cup	1 cup
Peanut Butter	2 tbsp.	3 tbsp.	4 tbsp.	5 tbsp.
Vegetable or Fruit**	1/4 cup	1/2 cup	3/4 cup	1 1/4 cup
Bread	1/2 slice	1/2 slice	1 slice	2 slices
Milk	1/2 cup	3/4 cup	1 cup	1 cup
<b>Supplemental (Snacks)</b>				
Milk or juice	1/2 cup	1/2 cup	1 cup	1 cup
Cereal or Bread: cereal	1/4 cup	1/3 cup	3/4 cup	1 cup
Bread	1/2 slice	1/2 slice	1 slice	2 slices
Veg. or Fruit	1/2 cup	1/2 cup	1 cup	1 cup
Meat or Meat Alternative	1/2 ounce	1/2 ounce	1 ounce	1 ounce

\* When egg is served, use a half portion of meat or another alternate in addition to egg for all children except those who are 1 to 6 years of age.

\*Shall include at least two kinds. Vegetable or fruit.

## APPENDIX B: List of Reportable Diseases

The following are the more common reportable diseases which occur with moderate frequency in Arkansas:

gonorrhea	salmonellosis (including typhoid)
hepatitis (A,B, Non-A, Non-B	shigellosis
unspecified and results of serologies)	syphilis
rash illnesses (including *MEASLES,	tuberculosis
& RUBELLA)	MUMPS
*WHOOPING COUGH (pertussis)	
MENINGITIS	

The following are less common reportable diseases that occur with low frequency in Arkansas:

*AIDS (Acquired Immune Deficiency Syndrome)	*Leprosy
Amebiasis	*Leptospirosis
ANTHRAX	*Lyme Disease
*Aseptic Meningitis	Lymphogranuloma Venereum
Blastomycosis	*Malaria
BOTULISM	*Meningitis, <u>Hemophilus</u> . Influenza Type B
*Brucellosis	
Can pylobacter Enteritis	*Meningococcal infection
Chancroid	Mumps
CHOLERA	Pesticide Poisoning
Coccidioidomycosis	PLAGUE
*Congenital Rubella Syndrome	*POLIOMYELITIS
DIPHTHERIA	*Psittacosis (Ornithosis)
Encephalitis (all types)	Q Fever
FOOD POISONINGS (all types)	RABIES
Giardiasis	*Relapsing Fever
Gonococcal Ophthalmia	*Reyes Syndrome
Granuloma Inguinale	Rheumatic Fever
*Guillain-Barre Syndrome	*Rocky Mountain Spotted Fever
Histoplasmosis	SMALL POX
HIV (Human Immune Deficiency Virus by name & address)	*Tetanus
**Influenza	*Toxic Shock Syndrome
*Kawasaki Disease	Toxoplasmosis
*Legionellosis	*Trichinosis
	*Tularemia
	TYPHUS FEVER/YELLOW FEVER

\* The reporting physician will be contacted for additional information.

\*\* Individual cases to be reported ONLY when laboratory testing has determined the viral type.

**The diseases in capitol letters are to be brought to the immediate attention of the State Epidemiologist when suspected.**

Reporting data shall include:

- a) Names & location of reporting person
- b) Disease or suspected disease and date of onset
- c) Name, age, sex, address and phone number of patient (please spell patient's name)
- d) Name of patient's physician

The following diseases are also of public health importance and should be reported whenever there is an unusual incidence or outbreak (including seasonal). It is necessary to report: (1) physician's name and location (2) the suspected disease (3) the number of cases and interval during which the cases were seen:

Acute respiratory disease	Hospital acquired infections
Chicken pox	Infectious Mononucleosis
Conjunctivitis	Influenza (estimate number)
Dermatophytosis (ringworm)	Pediculosis
Enteropathogenic E. Coli Diarrhea	Pleurodynia
Epidemic Diarrhea of unknown cause	Pneumonia (bacterial, Mycoplasma, viral)
Gastroenteritis	Staphylococcal-Infections
Herpangina	Streptococcal Infections

The following occupational disease also shall be reported:

Asbestosis	Mesothelioma
Silicosis	Coal Workers Pneumoconiosis
Byssinosis	

**FOR FURTHER ASSISTANCE CONTACT THE LOCAL COUNTY HEALTH UNIT.**

**CHILD CARE IMMUNIZATION REQUIREMENTS**  
**Recommended by Arkansas Department of Health and Required by the**  
**Department of Human Services, Child Care Licensing Division**

Age	DtaP DTP/DT	Polio	Hib	Hepatitis B	IVIIVIR	Varicella
0-2 months	None	None	None	None (1-2 possible)	None	None
3-4 months	1 dose	1 dose	1 dose	1 dose 2 doses possible)	None	None
5-6 months	2 doses OR 1 dose within last 2 months	2 doses OR 1 dose within last 2 months	2 doses OR 1 dose within last 2 months	2 doses OR 1 dose within last 2 months	None	None
7-12 months	3 doses OR 1 dose within last 2 months	2-3 doses OR 1 dose within last 2 months	2-3 doses OR 1 dose within last 2 months	2 doses OR 1 dose within last 2 months	None	None
13-15 months	3 doses OR 1 dose within last 2 months	2-3 doses OR 1 dose within last 2 months	2-3 doses OR 1 dose within last 2 months	2 doses OR 1 dose within last 2 months	None (1 dose possible)	None (1 dose possible)
16-18 months	3 doses OR 1 dose within last 2 months	2-3 doses OR 1 dose within last 2 months	3-4 doses with last dose on/after Vt birthdav	2 doses OR 1 dose within last 2 months	1 dose	None (1 dose possible)
19-48 months	4 doses OR 3rd dose within last 6 months OR 1 dose within last 2 months	3 doses OR 1 dose within last 2 months	3-4 doses with last dose on/after 1 birthday	3 doses***** OR 2 doses with P dose due 5 months after 2 nd dose OR 1 dose within last 2 months (Child must be at least 6 months of age for 3 rd dose)	1 dose	1 dose
49-72 months	5 doses* OR 4 th dose within last 6 months* OR 1 dose within last 2 months OR 3 doses with last dose on/after 4 1h birthday	4 doses*** OR 1 dose within last 2 months OR 3 doses with last dose on/after 4 th birthday	3-4 doses with last dose on/after 1 st birthday OR 1 dose on/after 15 months of age (not required on/after 5 1h birthday)	3 doses***** OR 2 doses with 3rd dose due 5 months after 2 nd dose OR 1 dose within last 2 months (Child must be at least 6 months of age for 3 rd dose)	1 dose	1 dose

**FOOTNOTES:**

\* 5th DTaP/DTP/DT (Pre-school dose) must be given on/after the 4th birthday

\*\* Interval between 4th DTaP/DTP/DT and 5th DTaP/DTP/DT should be at least 6 months

\*\*\* If 4th primary dose administered on/after 4th birthday, no pre-school dose needed

\*\*\*\* MMR must be given on/after the child's first birthday

\*\*\*\*\* 3rd dose of hepatitis B should be given at least 6 months of age. (All 3rd doses of hepatitis B vaccine given earlier than 6 months of age before 6/21/96 are valid doses)

## .. SUPPLEMENT..

(The following section was omitted from the "Minimum Licensing Requirements for Day Care Family Homes", Revised 10/99 and is to be included with all copies of that revision.)

### 809 BUILDINGS

The Day care Family Home's building, grounds, and equipment shall **be clean**, kept in good repair, and maintained as needed to protect the health and safety of the children. If the home has sustained structural damage, the caregiver shall immediately notify the Child Care Licensing Specialist.

1. There shall be at least 35 square feet of usable indoor space for each child in the Home. This area shall not include kitchens, bathrooms, hallways or closets.
2. The Day Care Family Home shall have a working telephone.
3. Light, heating, cooling, and ventilation of the home shall be adequate for safety and comfort.
4. Windows and/or doors used for ventilation shall be screened.
5. Manufactured homes, licensed as day care family homes, shall be tied down and underpinned as recommended by the Arkansas Manufactured Home Commission.
6. An annual fire approval shall be obtained on all manufactured homes to be licensed as day care family homes.